

Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
ABCO-2-Way-Radio Inc.)	File No. EB-08-NY-0415
Licensee of Radio Station WQDS292)	
Levittown, New York)	NOV No. V200932380027

NOTICE OF VIOLATION

Released: March 18, 2009

By the District Director, New York Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (“Notice”) issued pursuant to Section 1.89 of the Commission’s Rules¹ to ABCO-2-Way-Radio Inc., licensee of land mobile station WQDS292 in Levittown, New York.
2. On March 16, 2009, in response to a complaint of interference from a FCC licensee, agents from the Commission’s New York Office investigated radio station WQDS292 located in Brooklyn, New York and observed the following violations:
 - a) 47 C.F.R. § 90.210(b)(3): “For transmitters that are equipped with an audio low-pass filter, the power of any emission must be attenuated below the unmodulated carrier power (P) ... [o]n any frequency removed from the assigned frequency by more than 250 percent of the authorized bandwidth: At least $43 + 10 \log (P)$ dB.” The agent observed a frequency variant spurious emission centered around 465.400 MHz that exceeded the required emission mask by as much as 30 dB.
 - b) 47 C.F.R. § 90.425(a): “Except as provided for in paragraphs (d) and (e) of this section, each station or system shall be identified by the transmission of the assigned call sign during each transmission or exchange of transmissions, or once each 15 minutes (30 minutes in the Public Safety Pool) during periods of continuous operation. The call sign shall be transmitted by voice in the English language or by International Morse Code in accordance with paragraph (b) of this section.” On March 16, 2009, between 1:30 p.m. and 4:00 p.m., ABCO-2-Way-Radio Inc. did not transmit its call sign identification WQDS292 on the frequency 464.800 MHz.

¹47 C.F.R. § 1.89.

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3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, ABCO-2-Way-Radio Inc. must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of ABCO-2-Way-Radio Inc. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
New York Office
201 Varick Street, Suite 1151
New York, NY 10014

4. This Notice shall be sent to ABCO-2-Way-Radio Inc. at its address of record.
5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Daniel W. Noel
District Director
New York District Office
Northeast Region
Enforcement Bureau

²47 U.S.C. § 308(b).

³P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴18 U.S.C. § 1001 *et seq.*